

**Remarks**

This is in response to the non-final Office Action mailed on March 19, 2004. Claims 1-20 remain pending. Reconsideration and allowance are respectfully requested in view of the following remarks.

**I. Consideration of Information Disclosure Statement filed January 9, 2003**

In section 3 of the Office Action, the Examiner noted that the Information Disclosure Statement (IDS) filed on January 17, 2003 was not considered because the IDS did not include a Form 1449. Applicants appreciate the Examiner's notification as to why the IDS was not considered. However, two IDSs were filed in this application (on January 14, 2002 and January 9, 2003), and it is unclear to which IDS the Examiner is referring. The Examiner did return the Form 1449 for the IDS filed on January 9, 2003 with all references except the Japanese reference initialed as being considered. In any event, filed herewith is an IDS and Form 1449 citing all of the references cited on the IDSs dated January 14, 2002 and January 9, 2003, as well as additional references not previously cited. Consideration of the references and return of the initialed Form 1449 are respectfully requested.

**II. Claim Rejections - 35 U.S.C. § 103**

In section 6 of the Office Action, claims 1-20 were rejected under 35 U.S.C. § 103(a) as being unpatentable over Schiller et al., U.S. Patent 6,442,573, in view of Meyerzon et al., U.S. Patent No. 6,547,829. This rejection is respectfully traversed, and reconsideration is requested for at least the following reasons.

Claim 1 is directed to a data management system including, among other limitations, a de-duplicate processor for calculating a SHA value of received data files to determine whether the received data files have duplicates and flagging duplicated data files in a database.

Advantages associated with a data management system including a de-duplicate processor include a reduction in the overall size of the data files due to the identification and removal of duplicate data files. Application, p. 6, ll. 11 and 12.

Schiller discloses a system for distributing electronic images to a plurality of frame devices including displays configured to display the images. See, for example, Schiller, col. 6, ll.

33-41; col. 8, l. 31 - col. 9, l. 30; and Figures 2A and 3. The image files are stored in a data repository. The data repository is populated by users that submit images to a picture mail address associated with a target frame device. Schiller, col. 7, ll. 12-22.

Meyerzon discloses a method for identifying duplicate documents in a document store. Meyerzon, col. 2, ll. 59-63.

To establish a *prima facie* case of obviousness, three basic criteria must be met: 1) suggestion or motivation, either in the references themselves or in the knowledge generally available to one of ordinary skill in the art, to modify the reference or to combine teachings; 2) a reasonable expectation of success; and 3) the references, when combined must teach or suggest all the claim limitations. See In re Vaack, 20 USPQ2d 1438 (Fed. Cir. 1991); MPEP § 2143 *et seq.* The possible sources for motivation to combine references are: (a) the nature of problem being solved; (b) the teaching of the prior art; and (c) the knowledge of one skilled in the art. MPEP 2143.01.

It is respectfully suggested that a *prima facie* case of obviousness has not been established because there is no suggestion or motivation to combine the teaching of Meyerzon with that of Schiller.

First, the nature of the problem being solved is different. In Schiller, the problem being solved is the distribution by users of electronic images to frame devices. Presumably, the images distributed by each user would be unique with respect to other images distributed by the user, as well as with respect to images distributed by other users. For example, Schiller fails to identify or suggest any problem associated with duplicate image files being distributed by the same user or multiple users. Therefore, one skilled in the art would not be motivated to modify the system disclosed in Schiller to include a method for identifying duplicate documents, as disclosed by Meyerzon, because: (1) there is no need to identify duplicate files in the system disclosed by Schiller because the number of duplicates would be small or non-existent; and (2) the addition of such a method would increase the complexity and decrease the efficiency of the system disclosed in Schiller.

Second, the teachings of the prior art fail to provide motivation to combine Meyerzon with Schiller. For example, Schiller discloses prior art image distribution systems at column 1, line 20 through column 6, line 30, and Figures 1A-1C. However, Schiller does not suggest that

any of the prior art systems include methods for identifying duplicate image files. Nor does Schiller suggest that it would be desirable to provide such methods in the prior art.

Third, there is no suggestion that one of skill in the art would be motivated to make such a combination. For example, one skilled in the art would not be motivated to combine Meyerzon with Schiller because any problems associated with duplicate files in the system disclosed by Schiller would be small or non-existent for at least the reasons noted above.

Therefore, reconsideration and allowance of claim 1, as well as claims 2-11 that depend therefrom, are respectfully requested for at least these reasons.

Claim 11 recites a data management method including, among other limitations, de-duplicating duplicates in received data files by calculating a SHA value of the received data files to determine whether the received data files have duplicates and flagging the duplicated data files in the database. Therefore, reconsideration and allowance of claim 11, as well as claims 12-20 that depend therefrom, are respectfully requested for at least reasons similar to those provided above with respect to claim 1.

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**III. Conclusion**

The remarks set forth above provide certain arguments in support of the patentability of the pending claims. There may be other reasons that the pending claims are patentably distinct over the cited references, and the right to raise any such other reasons or arguments in the future is expressly reserved.

Favorable reconsideration in the form of a Notice of Allowance is respectfully requested. Please contact the undersigned attorney with any questions regarding this application.

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